

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NINTENDO OF AMERICA INC., a
Washington corporation,

Plaintiff and
Counter-Defendant

v.

NYKO TECHNOLOGIES, INC., a
corporation,

Defendant and
Counter-Claimant

No. CV 08-0907 RSL

STIPULATION FOR DISMISSAL OF
ACTION

NOTED FOR HEARING:
December 17, 2008

TO: The Clerk of the Court

Plaintiff and counter-defendant Nintendo of America Inc. and Defendant and counter-claimant Nyko Technologies, Inc., being the only parties who have appeared in this action, stipulate and agree, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), that the above-entitled action, including all claims and counter-claims, may be dismissed with prejudice and without costs to either party.

The Clerk of the Court is hereby requested to enter this dismissal in the records of the Court.

STIPULATION OF DISMISSAL
(NO. CV 08-0907 RSL) – 1

LEGAL14793558.1

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1 DATED this 17th day of December, 2008.

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4 Presented by:

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STIPULATION OF DISMISSAL
(NO. CV 08-0907 RSL) – 2

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CERTIFICATE OF SERVICE

I certify that on December 17, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record for defendant:

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John D. Carpenter: john.carpenter@cph.com

G. Warren Bleeker: warren.bleeker@cph.com

I certify under penalty of perjury that the foregoing is true and correct.

DATED: December 17, 2008.

s/ Sherri Wyatt

Sherri Wyatt

Legal Secretary

STIPULATION OF DISMISSAL
(NO. CV 08-0907 RSL) – 3

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